

DRAFT MEETING MINUTES

REGULAR MEETING OF THE CITY OF ALAMEDA PLANNING BOARD MONDAY, SEPTEMBER 26, 2011

1. CONVENE: 7:10 pm
2. FLAG SALUTE: Board member Henneberry
3. ROLL CALL: Present: President Ezzy Ashcraft, Board members Burton, Henneberry, Kohlstrand, and Zuppan.
Absent: Vice-President Autorino

4. MINUTES:

Minutes from the Regular meeting of April 25, 2011 **Postponed due to lack of quorum.**

Minutes from the Regular meeting of July 25, 2011. Motion made by board member Kohlstrand, seconded by board member Zuppan to approve the minutes without changes. Approved 5-0.

5. AGENDA CHANGES AND DISCUSSION:

Agenda item 8-A moved to Regular Agenda to allow for public comment. Motion made by Henneberry, seconded by Burton. Motion passes 5-0.

Agenda item 8-B continued to Planning Board hearing on 10/10/2011 per staff request. Motion made by Burton, seconded by Henneberry. Motion passes 5-0.

Agenda item 9-B continued to Planning Board hearing on 10/24/2011 per staff request. Motion made by Kohlstrand, seconded by Henneberry. Motion passes 5-0.

Agenda item 9-C continued to Planning Board hearing on 10/24/2011 per staff request. Motion made by Burton, seconded by Zuppan. Motion passes 5-0.

6. STAFF COMMUNICATIONS:

Written Report

6-A Future Agendas

Margaret Kavanaugh-Lynch, Planning Services Manager, provided an overview of upcoming projects.

Andrew Thomas, Planning Services Manager, provided an update and next steps for updating the Housing Element.

6-B Zoning Administrator Report

Meetings of 9/6/2011 & 9/20/2011-Canceled

6-C Design Review Approvals – No approvals for the week of 9/12/2011

Planning Board may request a call for review on Design Review within 10 days of the approval date.

No projects called up for review.

7. ORAL COMMUNICATIONS:

Mr. Gary McAfee discussed his concerns about the proposed Golf-course swap. He prefers an expansion of the Golf Course instead of the development of housing. He opposes the Golf-Course swap proposal and provided a letter to the board.

Mr. Keith Nealy voiced his strong opposition to the proposed golf-course swap.

8. CONSENT CALENDAR:

8-A PLN11-0220 – Alameda Point Northwest Territories – Interim Use Permit. The applicant, San Francisco Regional Sports Car Association is proposing to hold driver's skill events/autocross events on the Northwest Territories at the most north western area of Alameda Point. The events would occur on weekends.

Agenda item 8-A moved to Regular Agenda to allow for public comment. Motion made by Henneberry, seconded by Burton. Motion passes 5-0.

Andrew Thomas, Planning Services Manager, described the project.

Board member Henneberry asked how many car race venues currently exist at Alameda Point.

Andrew Thomas explained that there currently are two venues, and the present application would be the third venue seeking car-related events.

Mr. John Walker, Area 51 Productions, stated his opposition to the proposed use permit as it restricts existing tenants' venue and timelines and access to the runway. He opposes this use as it does not reinvest into Alameda Point, like his company does.

Mr. Alan Mishon, Antiques by the Bay operator, opposes this use permit application, because the proposed use would only damage the tarmac runway, like the Porsche Club's current races. The degradation of the tarmac through motor-cross events or Myth Busters taping is significant and so far, his operation is the only operation that actually provides regular maintenance and thorough cleanup to the tarmac itself after and before flea market events. He suggested that any future use permit for motor-cross should have a requirement that police be on site and equipped with radar guns and decibel meters to monitor the activity.

Mr. David Daffon, Film Commission Chair, stated that major motion picture makers are returning to the Bay Area and that the stellar presentation of Alameda Point would bring in more business and significant revenue for the city. Preference should be given to those businesses that do not degrade the physical space that can be used for less noisy, more profitable uses.

President Ezzy-Ashcraft stated that her concerns about this use permit center on the environmental degradation caused by motor-cross and the use of petrochemicals.

Board member Burton seconded the concern regarding the emissions caused by vehicle use.

Board member Kohlstrand stated that she would like to have a better understanding of the economic impacts to existing tenants by approving the proposed use.

Board member Zuppan asked for additional information explaining the economic impacts to the existing businesses.

Andrew Thomas suggested gathering and returning with more information to address the concerns raised by the board members.

Board member Kohlstrand stated the board should carefully delineate which environmental impacts should be considered in light of the City's greening goals, since the approved flea market draws 12,000 people twelve times a year, while the proposed use generates approximately 2,000 people six times a year.

Board member Henneberry stated his concerns about providing a disadvantage to existing, established businesses. While he is also concerned about the environment, he gives preference to addressing economic concerns.

Board member Zuppan asked how the maintenance of the tarmac or clean-up of the areas are addressed in the permitting process.

Andrew Thomas stated that is currently is not addressed and priced in the permit, but that is should be reflected in the permit.

Board member Kohlstrand stated that she favors a balanced evaluation of economic and environmental impacts at Alameda Point when Use Permits are reviewed.

Andrew Thomas proposed to continue this project to the next meeting on October 10th, 2011.

Agenda item 8-A decision continued to next Planning Board on 10/10/2011 hearing to allow staff time to provide additional information. Motion to continue made by Kohlstrand, seconded by Zuppan. Motion passes 5-0.

8-B PLN08-0479 – 1051 Pacific Marina Review of Compliance with Conditions of Approval. Staff requests continuance to the meeting of 10/10/2011

Agenda item 8-B continued to Planning Board hearing on 10/10/2011 per staff request. Motion made by Burton, seconded by Henneberry. Motion passes 5-0.

9. REGULAR AGENDA ITEMS:

9-A PLN09-0158 - Charnel James - 625 W Ranger - The applicant requests revisions to the conditions of approval granted at the Zoning Administrator hearing on August 16, 2011.

Simone Wolter, Planner II, provided an overview of the project and the submitted appeal.

President Ezzy-Ashcraft asked for clarification on the safety measures surrounding the new generator and how her concern and the Fire Chief's concern about the 6 foot height of the fence would be addressed.

Chris Durand, NSA Wireless as the applicant, discussed the safety considerations applicable to the location of the generator and discussed the reasons for the appeal to modify the conditions of approval. He stated that he could agree to a higher fence.

President Ezzy-Ashcraft conveyed what the Interim Fire Chief had requested that the project comply with the public safety requirements. Then she asked for clarification on the public safety 800 Mhz communication systems and the term 'unlawful' interference.

Board member Henneberry asked if the chainlink fencing could be secured to prevent kids from entering the area.

President Ezzy-Ashcraft asked the applicant if the weeds could be removed within the enclosure.

The applicant said he could, but if the area covered in weeds was within the other lease area holders, he would bring it to the attention of the operator (Tower Co.)

Board member Zuppan asked that the condition regarding disaster be redefined as man-made or natural disasters and that fiscal emergencies not apply here.

Board member Burton asked for clarification on the revocation language as defined in the condition.

President Ezzy-Ashcraft asked Farimah Faiz, legal counsel, on the revocation process and legal definition in the Alameda Municipal Code.

Farimah Faiz clarified the Alameda Municipal Code section on Revocations.

President Ezzy-Ashcraft asked for clarification on the term length of a Use Permit and at which point this approval would be granted.

Ms. Wolter explained that even though an Interim Use Permit is granted for 10 years, the operation of the monopole is limited to April 6, 2020. Therefore this Interim Use Permit for the addition of panel antennas is subject to this time limitation under the Use Permit for the monopole. She then explained the timelines for appeals.

President Ezzy-Ashcraft and the board amended conditions of approval to include a clarification on environmental and man-made catastrophic events, adding fence height and addressing fire department concerns. **[See amended resolution attached.]**

Motion made to approve project as amended by Henneberry, seconded by Kohlstrand. Approved 5-0.

The board requested that the amended resolution or detailed resolution language be reflected in the meeting minutes. Amended resolutions should be provided on a case-by-case basis.

Margaret Kavanaugh-Lynch, Planning Services Manager, agreed to provide this information.

9-B Public Hearing / Scoping Session of the Environmental Impact Report for the proposed Harbor Bay Isle Associates proposal to reconfigure the Chuck Corica Golf Course, build up to 130 housing units on the lands currently occupied by the Mif Albright 9-hole course and build playing fields on 12 acres of land on North Loop Road in the Harbor Bay Business Park. **Staff requests continuance to the meeting of 10/10/2011.**

Agenda item 9-B continued to Planning Board hearing on 10/24/2011 per staff request. Motion made by Kohlstrand, seconded by Henneberry. Motion passes 5-0.

9-C Public Art Proposal – Grand Marina – Warmington Residential CA. Two freestanding metal sculptures to be located on private property off Hibbard Street and at the foot of Grand Street adjacent to the Grand Marina and the Oakland/Alameda Estuary. If approved, the sculptures will satisfy the Alameda public art requirement.

Agenda item 9-C continued to Planning Board hearing on 10/24/2011 per staff request. Motion made by Burton, seconded by Zuppan. Motion passes 5-0.

10. WRITTEN COMMUNICATIONS: None.

11. BOARD COMMUNICATIONS: None.

12. ADJOURNMENT: 9:10 pm.

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-11-15**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA UPHOLDING THE DECISION OF THE ZONING ADMINISTRATOR TO APPROVE AN INTERIM USE PERMIT AND DESIGN REVIEW FOR PLN09-0158 AT 625 W RANGER AVE AT ALAMEDA POINT.

WHEREAS, an application was made on April 24, 2009, by Charnel James on behalf of Verizon Wireless, to expand service at Alameda Point at W Skyhawk and Ticonderoga Ave, and then amended on February 9, 2011 to request the addition of panels and a Design Review for associated appurtenances at an existing telecommunications tower on 625 W Ranger Avenue; and

WHEREAS, the application was accepted as complete on May 26, 2011; and

WHEREAS, the Navy approved the project on July 27, 2011; and

WHEREAS, the project site is located within a M-2-G, Industrial Manufacturing Government District; and

WHEREAS, the project site is located within a Mixed Use; and

WHEREAS, the Zoning Administrator approved the project on August 16, 2011 with Conditions of Approval; and

WHEREAS, the applicant submitted an Appeal on August 26, 2011 requesting revisions to the Conditions of Approval; and

WHEREAS, the Planning Board has held a hearing on this issue on September 26, 2011 and has considered pertinent documents and upholds the findings concerning the project:

- 1. The interim use is approved for a limited time, not to exceed the maximum time frame set forth in the interim leading program criteria.**

The Use Permit governing the operation of a monopole at this location PLN10-0026, and by reference UP00-13 and DR-00-65 is approved for a maximum term of no more than ten (10) years.

- 2. The interim use utilizes existing facilities and does not require substantial new development.**

The applicants propose to expand the existing facilities at this site. The applicant will add a 16x32' fenced area to contain an emergency power generator, diesel tank, and equipment cabinets for the wireless facilities. The height of the 102.9' monopole will not

be increased. However, 9 new panel antennas will be added to the monopole. According to the original approval (PB-00-54), this project utilizes a type of monopole can be disassembled, relocated, and reassembled; and repurposed a former Navy building and electrical equipment on the site.

3. The interim use will not disrupt on-going operations of the government entity should the interim use occur concurrent with continuing operations by the government entity.

On July 27, 2011 the Navy staff have approved the project. Furthermore, all military use at the former Navy base has ceased and there are no additional government activities that that would be disrupted by the proposed use.

4. The interim use will not be detrimental to the ultimate redevelopment of the property or the potential resumption of use of the property by the government entity.

All structures are of a temporary nature and can be removed at the onset of redevelopment. Therefore, the project would not restrict future redevelopment of the property.

5. The interim use is consistent with an interim-leasing program adopted by the City.

Conditions established for interim leases have been applied to the project. This Use Permit is proposed for an interim basis.

BE IT RESOLVED THAT, the Planning Board has determined that this project is Categorically Exempt from environmental review, pursuant to the CEQA Guidelines Section 15301(b) - Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby upholds the Zoning Administrator decision to approve PLN09-0158, an Interim Use Permit and Design Review for the operation of an unmanned wireless telecommunications facility on a monopole and for supporting radio and electrical equipment subject to compliance with the following conditions. Revised conditions are identified with the * sign and changes to wording is underscored. **Conditions added by the Planning Board at the Hearing are bold and italicized:**

- 1*. Term:** This Interim Use Permit is valid for the extent of the lease with ARRA or ten years after the date of approval (April 6, 2020), whichever occurs first. Subject to AARA approval, the applicant may request a new Interim Use Permit in 2020.
- 2*. Limitation of Use:** This Interim Use Permit is for the operation of an unmanned wireless telecommunications facility on a monopole with supporting radio and electrical equipment. The use would generate no employees or customers, and an average of

two trucks a month except during construction and an **man-made or environmental** emergency or disaster.

3. Navy: The applicant shall provide to the Navy a notice of the installation start and completion dates of construction, as well as before and after photos.
4. Electrical: The applicant must submit a complete plan for electric service when applying for an electrical permit. The applicant is responsible for the service conductor. The size of the existing conductor must be adequate for the existing services as well as the additional load from the new service.
- 5*. **Leasing Area:** TowerCo shall have completed and signed a lease area amendment to the leasing agreement for this location with Staff from Community Development Department, formerly Development Services Department prior to submittal for building permits.

6*. Public Works:

- a. Final Approval to be granted upon submittal of final construction drawings.
- b. Show all existing easements on the plan sets.
- c. All improvements must be within the approved easement.
- d. The applicant must provide a traffic control plan specific to the areas of construction and the existing conditions at that site.
- e. All pedestrian traffic shall be properly detoured at the construction site in accordance with the California MUTCD (Manual on Uniform Traffic Control Devices) and ADA guidelines.

f*. Signal Interference: The permittee must provide a radio frequency study, indicating that the proposed wireless service of permittee at the above location will not interfere with the current operation of the City's 800 MHZ communication system or the current operation of the 928/952 MHZ System Control and Data Acquisition (SCADA) System. The permittee must agree to reimburse the City for all costs to locate and correct any unlawful interference cause by permittee's site.

- g. A concrete/encroachment permit will be required for all work in the public right of way.
 - h. The construction sites must be USA's before any excavation is done.
 - i. Trenching, repairs to trenching, and repairs to the sidewalk must be per the City's Standard Plans.
7. Hazardous Materials. The storage and handling of all hazardous and toxic materials shall not be permitted as part of this Use Permit.
 8. Least Tern: Employees of the applicant shall be prohibited from entering wetlands areas or endangered species habitat areas, particularly the California Least Tern habitat southwest of building 25. Interim users shall post information, to be provided by AARA, regarding the value of the habitat areas on the base, the reasons for

restrictions on human activity, and shall cooperate in educational programs on these subjects.

- 9*. **Revocation pursuant to Alameda Municipal Code 30-21.3d.** In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, the City Planning Board may, after notice and hearing, revoke any use permit.
10. Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
11. ***The Planning Board required coordination with the Fire Department to establish an appropriate fence height and security measures surrounding the fuel tank. The Fire Department requests an eight-foot fence with slats surrounding the new enclosure expansion.***
12. ***The Planning Board required that the applicant Verizon or Tower Co, abate all weeds on this site.***

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 26th day of September 2011, by the following vote to wit:

AYES: (5) Ezzy Ashcraft, Burton, Henneberry, Kohlstrand, and Zuppan

NOES: (0)

ABSENT: (1 Autorino

ATTEST:

A handwritten signature in dark ink, appearing to read 'MK Kavanaugh-Lynch', is written over a horizontal line.

Margaret Kavanaugh-Lynch, Secretary
City of Alameda Planning Board

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